

### REMARKS

Claims remaining in the present patent application are numbered 1-34. The rejections and comments of the Examiner set forth in the Office Action dated October 5, 2004 have been carefully considered by the Applicants. Applicants respectfully request the Examiner to consider and allow the remaining claims.

### Information Disclosure Statement

The information disclosure statement has been objected to for failing to comply with 37 CFR 1.98(a)(2) which requires a legible copy of each U.S. and foreign patent. Applicants will provide additional copies of the documents provided in the information disclosure statement under separate cover.

### Claim Objections

Claim 30 has been objected to for informalities. Applicants have herein amended Claim 30 to correct the informalities. In particular, Applicants have changed the second index of "f" to "g." Applicants respectfully request re-consideration of Claim 30.

35 U.S.C. §102 Rejection

Claim 8 has been rejected under 35 U.S.C. 112 second paragraph as being indefinite for failing to particularly point out an distinctly claim the subject matter. Applicants have herein amended Claim 8 to replace the term, "optimized," with the term, "implemented." Applicants respectfully request re-consideration of Claim 8.

35 U.S.C. §102 Rejection

The present Office Action rejected Claims 1, 9, 13, 20, 22-25, 32, and 33 under 35 U.S.C. 102(e) as being anticipated by Anerousis et al. (U.S. Patent No. 6,760,775). Applicants have reviewed the above cited reference and respectfully submit that the present invention as recited in Claims 1, 9, 13, 20, 22-25, 32, and 33 is neither anticipated nor rendered obvious by the Anerousis et al. reference.

Independent Claims 1, 13 and 25

Applicants respectfully point out that independent Claim 1, 13 and 25 each recite that the present invention includes, in part:

[E]stablishing a TCP/IP communication session between a client computer and a first bottom TCP (BTCP) module located below a first TCP module in a first operating system at a front-end node, said front end node part of a plurality of web server nodes that form a web server cluster containing

information, said TCP/IP communication session established for the transfer of data contained within said information, wherein each node in said plurality of web server nodes can perform as said front end node depending on which web server node is selected in establishing said TCP/IP communication session. . . (Emphasis Added)

The present invention pertains to methods for TCP state migration between web server nodes. In particular, independent Claims 1, 13, and 25 recite that each node in a plurality of web server nodes can act as a front end node in establishing a TCP/IP communication session with a client. That is, a node in the web server cluster that includes the plurality of web server nodes is not dedicated as being the front end node. As such, depending on which web server node is selected as the front end node, the present invention is capable of migrating a first TCP state of the front end node to the back end node.

Applicants respectfully note that the prior art reference, Anerousis et al., does not teach nor suggest the present method of TCP state migration in which each node in the plurality of web server nodes can act as the front end node, as claimed in independent Claims 1, 13, and 25 of the present invention.

In contrast to independent Claims 1, 13, and 19 of the present invention, the Anerousis et al. reference, discloses

a system, method, and apparatus for network service load and reliability management. In particular, the Anerousis et al. reference in various embodiments employs a system specific SLR cluster and site-specific SLR cluster, singly or in combination, to route a request to a particular server. The system specific SLR cluster directs a network service request to a particular site-specific SLR cluster that is associated with at least one host server for providing the requested network service. The site-specific SLR cluster directs the service request to a particular host server within a physical host site. That is, Anerousis et al. reference utilizes dedicated modules (e.g., the system and site specific SLR clusters) for routing the network requests to a particular server. More particularly, the request is not routed between host servers at a physical host site.

On the other hand, the present invention claims a web server cluster for providing information, or servicing network requests, where each node in a plurality of web server nodes of the web server cluster can act as a front end node in establishing a TCP/IP communication session with the client, as recited in independent Claims 1, 13, and 25. As such, the present invention as claimed does not require dedicated modules for routing a request to a particular host server to service the request, as disclosed in the Anerousis et al. reference. Further, depending on which web server node is selected as the front end node, the present invention

is capable of migrating a first TCP state of the front end node to the back end node, where the back end node provides the transfer of data.

Thus, Applicants respectfully submit that the present invention as disclosed in independent Claims 1, 13, and 25 is not anticipated by the Anerousis et al. reference, and is in a condition for allowance. In addition, Applicants respectfully submit that Claims 2-12 which depend from independent Claim 1 are also in a condition for allowance as being dependent on an allowable base claim. Also, Applicants respectfully submit that Claims 14-24 which depend from independent Claim 13 are also in a condition for allowance as being dependent on an allowable base claim. Further, Applicants respectfully submit that Claims 26-34 which depend from independent Claim 25 are also in a condition for allowance as being dependent on an allowable base claim.

#### 35 U.S.C. §103 Rejection

The present Office Action rejected Claims 2, 14, and 26 under 35 U.S.C. 103(a) as being unpatentable over Anerousis et al. in view of Munger et al. (U.S. Patent No. 6,502,135). Also, Claims 3, 15, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anerousis et al. in view of Munger, and in further view of Albert et al. (U.S. Patent No. 6,775,692). In addition, Claims 6, 7, 18, 19, 30, and 31 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Anerousis et al. in view of Albert et al. Applicants have reviewed the above cited references and respectfully submit that the present invention as recited in Claims 2, 3, 6, 7, 14, 15, 18, 19, 26, 27, 30, and 31 is neither anticipated nor rendered obvious by the Anerousis et al. reference taken alone or in combination with the Munger et al. and Albert et al. references.

Applicants respectfully submit that the present invention as disclosed in dependent Claims 2, 3, 6, 7, 14, 15, 18, 19, 26, 27, 30, and 31 and are not anticipated by the Anerousis et al. reference, taken alone or in combination with the Munger et al. and Albert et al. references since they depend on allowable base Claims 1, 13, and 25, as previously discussed. Specifically, embodiments of the present invention as described in Claims 2, 3, 6, 7, 14, 15, 18, 19, 26, 27, 30, and 31 for analogous arguments set forth above with respect to independent Claims 1, 13, and 25, each describe in part that each node in a plurality of web server nodes of the web server cluster can act as a front end node in establishing a TCP/IP communication session with the client. As such, dependent Claims 2, 3, 6, 7, 14, 15, 18, 19, 26, 27, 30, and 31 are in a condition for allowance as being dependent on allowable base claims 1, 13, and 25.

CONCLUSION

In light of the amendments and arguments presented herein, Applicants respectfully request reconsideration of the rejected Claims for allowance thereof.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-34 overcome the rejections of record. Therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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Date: \_\_\_\_\_

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